

## City of McCallsburg

The City Council of McCallsburg met on Monday February 1, 2010 at 7 pm, in the McCallsburg City Hall for the regular monthly meeting. Mayor Loney called the meeting to order. Councilpersons Scott Anderson, Bill Lytle, David Muth, Robin Pruisner and Jeff Wells were present. There were also six residents, City Attorney Robert Huffer, Richard Thompson, Debra Thompson and the Thompson's lawyer Richard Parker in attendance.

Councilman Wells made a motion to approve the agenda, the minutes from the January 4th meeting and the financial reports. Anderson seconded the motion. All ayes motion passed.

### Revenue for January 2010

General Income - \$3,291.44  
Water Utility Income - \$3,096.27  
Sewer Utility Income - \$2,234.12  
Solid Waste Revenue - \$2,101.06  
Sales Tax and Late Fees - \$341.91  
Road Use Fund - \$1,558.50  
TIF Revenue - \$56.83  
Insurance Income - \$1,247.00  
**Total Income: \$13,927.13**

### Claims Paid for January 2010

Abstract & Title Services -abstract- \$306.25  
Alliant Energy-Utilities-\$987.52  
Central IA Water-Water-\$1,515.00  
Huffer Law Office – legal fees - \$841.00  
IA One Call – locate - \$12.00  
IA Telecom–phone & internet-\$95.66  
Jacobson Enterprises – water/sewer-\$527.88  
LGI –water testing- \$33.00  
Matt Parrott & Sons – water bills- \$397.99  
McCallsburg Fire Dept. – funding - \$5,500.00  
Nevada Journal–Publishing-\$569.57  
Payroll-salary & taxes-\$985.76  
Post Office –postage-\$192.00  
Ryerson's –tractor repair- \$543.98  
Scott Sales Co. – rent - \$500.00  
Scott Sales – tractor work - \$47.90  
Staples –office supplies- \$113.78  
State Bank & Trust-debt payments-\$7,381.83  
Story County Treasurer –police- \$3,478.13  
Story Farm & Home –supplies- \$25.36  
The Bookkeepers-accounting-\$50.00  
The Trash Man-garbage-\$1,825.45  
Treasurer State of Iowa –sales tax - \$230.00  
**Total Expenses: \$26,160.06**

At 7:04 pm Mayor Loney opened the Nuisance Hearing on Parcels 30, 80 & 160. City Attorney Huffer informed all present that the city had sent out a nuisance abatement notice to Richard Thompson and Debra Thompson for the above named parcels. The Thompsons requested a hearing with the council. Huffer provided photographs of the properties to the council and Mr. Parker. Huffer clarified that Debra Thompson had been served nuisance abatements on her two trailers and Richard Thompson had been served a nuisance abatement for his semi trailers and vehicles stored at the corner of main and 4<sup>th</sup> St. Huffer asked Parker if he cared to make a presentation. Mr. Parker asked when the photos had been taken. Muth stated he had taken the photos between January 18<sup>th</sup> - 25<sup>th</sup>, 2010. Parker also asked what the zoning for the trailer lots were. Huffer stated the zoning was R-2 residential. Parker asked if there was any evidence of decline in property taxes. Huffer stated it was not known at that time if there had been. Parker presented letters from the County Health Inspector and stated he had no further evidence. Muth asked if there were any residents who cared to address the issue. Many residents raised concerns about safety of children in the neighborhood, and the large number of wild animals coming in and out of both trailers. Parker asked Ms. Thompson if the properties were locked. Ms. Thompson stated they were not. Mr. Thompson stated the trailers would no longer be rented out and would be used for storage instead. Huffer asked what type of storage. Mr. Thompson stated he would store items he had been forced to remove from other buildings. Huffer stated the lots are not zoned for storage. Parker stated the items stored would be personal effects. Huffer stated that the owner was responsible to keep up the property. Pruisner stated that the council would like the properties to be secured in a manner that would keep feral animals out of

the trailers. Parker stated that the burden of proof was on the city and he did not believe that the city had yet proved the nuisance. Muth stated that article 13 of the city ordinance addressed the issue of a building being defective and he believes that when a roof caves in and a water heater falls through the floor that the building is indeed defective. Ms. Thompson stated that she had spoken to Councilman Anderson to offer the city the trailers and land if in exchange she and her father could retain ownership of the morton building along 6<sup>th</sup> Street and that Anderson had declined. After much discussion Parker went on to address the nuisance abatement against Richard Thompson. Parker stated that because this parcel was zoned as C-2 commercial parking was allowed on the property. Huffer stated that salvage materials were not allowed outside of the salvage yard and that it needed to be removed. Mr. Thompson stated there were no salvage materials on that parcel that all vehicles were licensed. Huffer asked if the council would be allowed to inspect the trailers. Parker stated they would not. Huffer stated the city could obtain a warrant to inspect the property. Anderson asked Mr. Thompson if he believed all of the semis and cars would fit in the striped morton building. Mr. Thompson stated he did believe so because most of those items came from those buildings. Parker stated that the city caused this situation because they forced Mr. Thompson out of his buildings. Pruisner asked Mr. Thompson what his long term plans were if he did not receive the striped shed. Mr. Thompson stated he had not thought that far. Parker stated that Mr. Thompson wants to move his inventory into the striped shed or another building if a sale were to come up. Neither he nor the Thompsons believe the property is a nuisance. Wells asked the Thompsons if a child were to get hurt on their property do they have insurance to cover the medical expenses. Ms. Thompson stated that she would take care of that. Huffer asked Mr. Thompson if he would agree to remove the semi-trailers into the salvage yard. Mr. Thompson stated the trailers were not able to be moved because of their condition. After deliberation by the council Anderson stated the council would table the issue until the March 1<sup>st</sup>, 2010 meeting; giving the Thompsons the rest of the month to come back to the council with a plan for each property with long term goals both if they should get the striped building and if they should not get the building. Parker stated he and his clients were willing to do that. Anderson stated they would be placed first on the agenda. Anderson made a motion to close the nuisance hearing and defer the hearing until March 1<sup>st</sup>, 2010 at 7:00pm. Pruisner seconded the motion. All ayes; motion passed.

Jill Wilson updated the council on the Harkin Grant the school was applying for. Mrs. Wilson stated that the school did not include a school/library combination in the grant however, that did not mean the option was completely dismissed, just that the grant would not help to fund one. Wilson also reminded the council that during the current fiscal year the council had agreed to \$2200 that would go to library funding and asked the council to consider using that amount again in their budget planning for the next fiscal year. The clerk asked Wilson if she knew what the new library hours were. Wilson stated she believed the hours were back to their normal business hours. Muth thanked the citizens in attendance for coming out to speak their minds on issues they felt strongly about and invited them to come back to next month's council meeting.

Mayor Loney stated that Pruisner had attended the budget workshop for the E911 board and that he would be attending the next one on Thursday the 4<sup>th</sup>. Mayor Loney also stated that Zearing had asked about the money for the pumps the city purchased from them. The clerk said she would look into it.

The clerk stated that she had spoken the the library board president and that they have offered to keep this years funding at \$2200 the same as last year. Also if the council would like to discuss reopening the satellite center they would be open to discussion for that and that there would likely be an additional fee to reopen the satellite center.

The council agreed to meet February 9<sup>th</sup> at 7pm in the City Office for a second budget workshop. Lytle made a motion to approve resolution 10-04 setting March 1<sup>st</sup> at 7:00 pm as the date for the public hearing on the city's proposed budget for fiscal year 2010-2011. Muth seconded the motion. All ayes; motion passed.

Lytle made a motion to approve Resolution 10-05 setting March 1<sup>st</sup> at 7:00 pm as the date for the Public Hearing on a sewer revenue loan and disbursement agreement. Wells seconded the motion. All ayes; motion passed.

The clerk was instructed to check with Midwest Recovery on dates they would be able to have a collection day in the city.

It was decided by the council to place a resolution returning roads E-18 & S-27 back to the county supervisor on the March agenda.

After much discussion the council denied the Colo-Nesco After Prom request for funding because both the prom and after-prom would be held outside of the school communities. The clerk was instructed to write the committee a letter.

Lytle made a motion to have Ken Tiarks place the Story County Youth Volunteer Award on the city's website so all residents could access it. Pruisner seconded the motion. All ayes; motion passed.

The city received three bids for asbestos removal. REW Services Corp. bid \$9,050.00; Pro Enviromental Abatement, Inc. bid \$7,761.00; and Mid-Iowa bid \$6,600. After reviewing each bid Lytle made a motion to accept the bid from Mid-Iowa to remove the asbestos from all four buildings. Pruisner seconded the motion. All ayes; motion passed.

The next regular council meeting will be held Monday March 1st, 2010 at 7 p.m. at City Hall.

Councilman Lytle made a motion to adjourn. Muth seconded the motion. All ayes, motion passed.

Minutes are not official until approved by council.

Attest: Sonia Dodd, City Clerk